INTRODUCTION TABLE OF CONTENTS 465 NAC 1-000

## TITLE 465 INTRODUCTION TO THE PROGRAM MANUAL

#### CHAPTER 1-000 GENERAL INFORMATION

1-001 Purpose Statement

1-001.01 Availability of Program Manuals

1-001.01A Federal Requirements

1-001.01B State Requirements

1-001.02 Fees for Manuals

1-002 User's Guide

1-002.01 Composition of Manuals

1-002.01A The NAC

1-002.01B The Appendix

1-002.02 Numbering System

1-002.02A The NAC System

1-002.02A1 Citations

1-002.02B Appendices System

1-003 Legal Basis

1-003.01 State

1-003.01A State Administration

1-003.02 Federal Authorities

1-003.02A Federal Laws

1-003.02B Federal Regulations

1-003.02C State Plans

1-004 Forms

#### CHAPTER 2-000 PROGRAM UNIVERSALS

2-001 Client Rights

2-001.01 Right to Apply

2-001.02 Right to Appeal

2-001.02A Appeal Time Limits

2-001.02B Filing an Appeal

2-001.02C Notice to the Petitioner

2-002 Client Responsibilities

2-003 Department Responsibilities

2-003.01 Prudent Person Principle

2-004 Other Responsibilities

2-005 Confidentiality

2-005.01 General Information

2-005.01A Authority

2-005.01B Limitations

2-005.01C Penalties

2-005.01D Specific Program Requirements

INTRODUCTION TABLE OF CONTENTS 465 NAC 2-005.02

```
2-005.02 Disclosure
         2-005.02A By Staff
         2-005.02B Situation Allowing Disclosure
         2-005.02C Other Agencies
         2-005.02D Client's Case Record
         2-005.02E Law Enforcement Officials
         2-005.02F Persons Having Legal Access to Records
         2-005.02G Utility Companies
    2-005.03 Staff Investigations
    2-005.04 Storage Requirements for Confidential Material
2-006 Fair Hearings
2-007
         Fraud and Abuse and Intentional Program Violations
    2-007.01 Definitions
    2-007.02 Policies
    2-007.03 Procedure for Reporting Suspected Fraud and Abuse or Intentional Program
             Violations
    2-007.04 Penalties
    2-007.05 Records and Reports
    2-007.06 Disqualification Hearings for Intentional Program Violations (IPV) for ADC and Child
             Care Subsidy
         2-007.06A
                       Initiating the Disqualification Hearing
                       Disqualification Hearing Procedures
         2-007.06B
                       Advance Notice of Hearing
         2-007.06C
         2-007.06D
                       Waived Hearing
                       Participation While Awaiting a Hearing
         2-007.06E
                       The Hearing Official
         2-007.06F
         2-007.06G
                       Conduct of the Hearing
         2-007.06H
                       Recessing the Hearing
                       Admission of Evidence After Hearing is Closed
         2-007.06J
    2-007.07 Hearing Decision
         2-007.07A
                      Criteria for Determining Intentional Program Violation
                       Decision Format
         2-007.07B
                     IPV Sanctions
         2-007.07C
    2-007.08 Appeal Rights of the Household
2-008
         Protective Payee, Guardian, Conservator, and Power of Attorney
    2-008.01 Definitions
    2-008.02 Appointment and Discharge of Guardians and Conservators
                       Duties of Guardians and Conservators
         2-008.02A
                       Department Responsibility
         2-008.02B
    2-008.03 Assignment of Power of Attorney
    2-008.04 Assignment of Protective Payee, Guardian, or Conservator Status
         2-008.04A Employee's Role
         2-008.04B
                      Staff as Protective Payee
         2-008.04C
                       Service Provider's Role
    2-008.05 Payments to Guardians or Conservators
                       Beatrice State Developmental Center and Regional Centers
         2-008.05A
    2-008.06 Court Costs and Attorneys' Fees
    2-008.07 Billing
         2-008.04C
                       Service Provider's Role
    2-008.05 Payments to Guardians or Conservators
         2-008.05A
                       Beatrice State Developmental Center and Regional Centers
```

INTRODUCTION TABLE OF CONTENTS 465 NAC 2-008.06

2-008.06 Court Costs and Attorneys' Fees 2-008.07 Billing 2-008.08 Use of Department Staff as Court Visitors 2-009 **Provider Payment** 2-010 Client Payment CHAPTER 3-000 PROCEDURES FOR NEGOTIATED RULEMAKING 3-001 Negotiated Rulemaking Generally 3-002 Definitions 3-003 Establishment of a Negotiated Rulemaking Committee; Criteria 3-004 Conveners; Selection; Duties 3-005 Petitions for the Use of a Negotiated Rulemaking Committee 3-005.01 Request 3-005.02 Petition 3-005.03 Requirements for Content and Substance of a Petition 3-005.04 Filing of a Petition 3-005.05 Recommendation to the Director 3-005.06 Department Action on a Petition 3-005.07 Department Decision on Petition 3-006 Notice of a Negotiated Rulemaking Committee; Comment; Applications for Membership. 3-006.01 Notice 3-006.02 Comments on Rulemaking Committee 3-006.03 Committee Membership 3-007 Establishment of a Negotiated Rulemaking Committee; Procedure 3-008 Negotiated Rulemaking Committee; membership 3-008.01 Members 3-008.02 Petition or Nomination for Membership 3-009 Negotiated Rulemaking Committee; Operation 3-010 Facilitators; Selection; Duties 3-010.01 Nomination of Facilitator 3-010.02 Employment or Contracting of Facilitator 3-010.03 Duties of Facilitator 3-011 Negotiated Rulemaking Committee; Expenses 3-012 Grants or Gifts 3-013 Negotiated Rulemaking Committee: Termination 3-014 Negotiated Rulemaking Procedure; Judicial Review 4-000 PETITIONING FOR RULE MAKING 4-001 Rule Making Petition 4-001.01 Petition 4-001.02 Form 4-002 Petition Consideration and Disposition 5-000 REQUEST FOR A DECLARATORY ORDER 5-001 General Information 5-001.01 Scope of this Chapter 5-001.02 Related Regulations 5-002 Definitions 5-003 Petition for Declaratory Order 5-003.01 General Requirement 5-003.02 Who May File 5-003.03 When Orders Appropriate 5-003.04 Form of Petition 5-003.05 Contents of Petition

5-003.06 Subscription and Verification of Petition

5-003.07 Sample Petition 5-003.08 Written Consents

5-004	Submis	sion and Service of Declaratory Order Petition
5-005	Disposi	tion of the Petition
5-	-005.01	General Requirements
5-	-005.02	Requirements Within 30 Days
5-	-005.03	Decision Not to Issue a Declaratory Order
5-006	Interver	ntion in Declaratory Order Proceeding
5-	-006.01	Requirements for Intervention
5-	-006.02	Contents of Petition
5-	-006.03	Invitation for Intervention
5-	-006.04	Granting of Petition
5-	-006.05	Notice of Granting or Denial of Petition
5-	-006.06	
5-007	Declara	tory Order Proceedings
5-	-007.01	Oral Argument, When
5-	-007.02	Oral Argument, Procedure
		Department Oral Argument
		Time Limits
		Filing of Briefs
		Form of Oral Argument
		ce of Declaratory Order
		Time Limit for Issuance of Declaratory Order
		Contents of Declaratory Order
		Serving Copy of Declaratory Order
		Effect of Declaratory Order
		No Response within 60 Days
		stances Under Which the Department Will Not Issue Declaratory Orders
		When the Department Shall Refuse
		When the Department May Refuse
5-010	Appeal	
6-000	PRACT	ICE AND PROCEDURE FOR HEARINGS IN CONTESTED CASES BEFORE THE
<b>DEPAI</b>	RTMEN	Т
6-001	Genera	I Provisions
6-	-001.01	Definitions
6-002	Prohibit	tions Against Ex Parte Communications
6-	-002.01	Prohibitions; When Applicable
6-	-002.02	Prohibitions; To Whom Applicable
	6-00	2.02A Parties and Public
	6-00	2.02B Persons in Decision Making Roles
	6-00	2.02C Investigators
6-	-002.03	Disclosure of Contacts
6-003	Interver	ntion in a Contested Case
6-	-003.01	Intervention Allowed
6-	-003.02	Petition for Intervention
6.	-003 03	Conditions on Intervenor's Participation

6-003.04 Order on Petition for Intervention

### AUGUST 21, 1995 NEBRASKA DEPARTMENT OF SOCIAL SERVICES MANUAL

**INTRODUCTION** TABLE OF CONTENTS 465 NAC 6-004

6-004 Commencement of a Contested Case 6-004.01 Filing of Petition and Request for Hearing 6-004.02 Parties to a Contested Case 6-004.03 Pleadings in a Contested Case		
6-004.04 Filing of Pleadings		
6-004.05 Pleadings Subsequent to Initial Petition		
6-004.06 Hearing Date		
6-004.07 Conducting Hearings		
6-004.08 Computation of Time		
6-005 Hearing Officer; Criteria		
6-006 Prehearing Procedures		
6-006.01 Prehearing Conferences and Orders		
6-006.01A Notice		
6-006.01B Subjects for Prehearing Conference		
6-006.01C Conference by Electronic Means		
6-006.02 Discovery in Contested Cases		
6-006.03 Continuances		
6-006.03A Good Cause		
6-006.04 Amendments		
6-006.05 Informal Disposition		
6-007 Conducting a Contested Case Hearing		
6-007.01 The Hearing Officer		
6-007.01A General Duties of the Hearing Officer		
6-007.01B Authority of the Hearing Officer		
6-007.01C Recess, Continuance, Closing and Reopening of Hearing		
6-007.02 Persons at the Hearing		
6-007.02A Department Staff and Witnesses		
6-007.02B Petitioner and Witnesses		
6-007.02C Spectators		
6-007.02D Petitioner's Representative or Attorney		
6-007.03 Group Hearings		
6-007.04 Order		
6-007.05 Evidence		
6-007.05A Hearing Record Exhibits		
6-007.05B Request for Rules of Evidence		
6-007.05C Documentary Evidence		
6-007.05D Evidence in Department's Possession		
6-007.05E Oaths and Subpoenas		
6-007.05F Rules of Privilege		
6-007.05G Official Notice		
6-007.05H Evaluation of Evidence		

6-007.05J Medical Evidence

AUGUST 21, 1995 MANUAL LETTER # 61-95

# NEBRASKA DEPARTMENT OF SOCIAL SERVICES MANUAL

INTRODUCTION TABLE OF CONTENTS 465 NAC 6-007.06

6-007.06 Conducting the Hearing by Electronic Means

6-007.07 Official Record

6-007.08 Costs

6-008 Decision and Order in a Contested Case

6-008.01 Summary Disposition

6-008.02 Time Frames

6-008.03 Adverse Decision

6-008.04 Contents of Decision and Order

6-008.05 Notification of Decision

6-008.06 Mandatory Effect

6-008.07 Administrative Finality (Res Judicata)

6-009 Appeals